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REMARKS

Claims 1-20 remain pending in the application including independent claims 1, 9, 13, and 17. Dependent claims 21-23 have been previously cancelled. The allowance of claims 13-16 and 21-23 has been withdrawn. New dependent claims 24-27 have been added.

Claims 1-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Keller (US 5030181) in view of newly cited Petzold (US 6886425). Claim 1 requires a resilient member that surrounds an outer end portion of the shift collar. The examiner admits that Keller does not disclose this feature and argues that Petzold teaches this claimed feature.

Specifically, the examiner states that Petzold discloses a resilient member 46 that surrounds an outer end portion 44 of a shift collar 18, and argues that it would be obvious to modify Keller to replace the coil spring 26 with a plate spring positioned between the armature plate 19 and the coil 16 to allow for easier access to the spring for maintenance and removal. Applicant respectfully asserts that there is no motivation or suggestion to modify Keller in the manner proposed by the examiner.

Keller is directed to providing a pre-assembled bushing unit 10 that is installed within a housing (see claim 1). The bushing unit includes the sliding sleeve 12, magnet 16, and plates 14, 15, 19. The coil spring 26 is externally mounted to react between the gear 28 and the sliding sleeve 18. Once the pre-assembled bushing unit is removed from the housing, the spring is immediately accessible for maintenance operations.

The examiner has pointed to no teaching in Petzold of any particular benefit to using the Petzold plate spring in place of the Keller spring. The examiner has only provided a general assertion that such a modification would provide easier access. In addition, there is nothing in Keller would have led one of ordinary skill in the art to believe that Keller's configuration was in any way deficient for Keller's purposes or was in need of modification. There certainly is nothing to indicate that the spring of Keller is difficult to access. Further, it appears that modifying Keller in the manner proposed by the examiner would make it more difficult to access the spring. The examiner's modification would require disassembly of the pre-assembled bushing assembly. Thus, applicant respectfully asserts that one of ordinary skill in the art would have found no reason, suggestion, or incentive for attempting to combine these references so as

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to arrive at the subject matter of claim 1 other than through the luxury of hindsight accorded one who first viewed applicant's disclosure. Thus, claim 1 is allowable over the recited combination. For similar reasons, claims 2-20 are also allowable.

Further, claim 13 recites that the resilient member reacts between the coil and a washer mounted to the outboard end of the shift collar. Neither reference discloses this feature. The examiner has argued that the claimed washer corresponds to element 22 in Figure 2 of Petzold; however this element is clearly not mounted to an end of the shift collar as defined in claim 13. Instead, Petzold discloses a disc 22 that is centrally positioned in a shift dog 18. Thus, claim 13 is also allowable over the recited combination for this additional reason.

Finally, new dependent claims 24-27 are also allowable over the recited combination for the reasons set forth above. Further, claim 24 recites that the shift collar includes a first end having a splined surface to engage a mating splined surface of the differential case and a second end opposite of the first end, with the first end having a greater diameter than the second end, and wherein a washer is fixed to the second end such that the resilient member reacts between the washer and the electronic actuator. Keller does not disclose the claimed washer. Further, Petzold does not disclose a washer that is positioned at an end of a shift collar as claimed. Thus, claim 24 is allowable over the recited combination. For similar reasons claims 25 and 27 are also allowable.

Claim 26 recites that the electronic actuator includes a coil having mount portions to receive fasteners to directly attach the coil to a carrier housing. Keller does not disclose a coil having mount portions as claimed. Further, the coil in Keller is not directly attached to a carrier housing. Instead, the coil is directly secured within a bushing 10, see Figure 1. Thus, claim 26 is allowable over the recited combination.

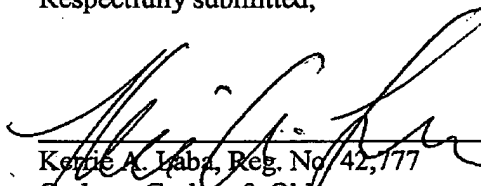
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Applicant asserts that all claims are in condition for allowance and respectfully requests an indication of such. Fees for one additional dependent claim (\$50.00) may be charged to Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds. If any additional fees are due, you are hereby authorized to charge the same deposit account.

Respectfully submitted,

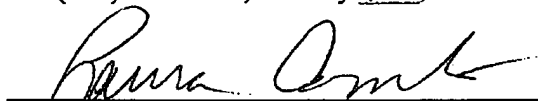


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Dated: May 15, 2008

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, fax number (571) 273-8300, on May 15, 2008.



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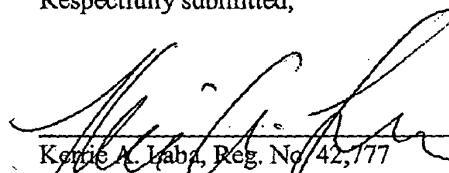
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